

**ASSEMBLY BILL**

**No. 1185**

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**Introduced by Assembly Member Torres**

February 18, 2011

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An act to amend Section 21083.9 of, and to add and repeal Section 21080.27 of, the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1185, as introduced, Torres. California Environmental Quality Act: retail facilities: project review.

(1) The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect.

This bill would, until January 1, 2015, exempt from those CEQA requirements a project that consists of the alteration of a vacant retail structure that existed prior to January 1, 2008, is not more than 60,000 square feet in area, and meets specified requirements.

(2) CEQA also requires the lead agency to call at least one scoping meeting for a project of statewide, regional, or areawide significance. CEQA requires the lead agency to provide to specified entities, including a city or county that borders the city or county within which the project is located, a responsible agency, a public agency with jurisdiction by law with respect to the project, and a transportation planning agency or public agency required to be consulted, a notice of at least one scoping meeting.

This bill would additionally require the lead agency to provide a notice to other entities that have filed a written request for the notice.

(3) By imposing various additional duties on a lead agency with regard to the implementation of CEQA requirements, this bill would increase the service provided by a local agency, thereby creating a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21080.27 is added to the Public Resources  
2 Code, to read:

3 21080.27. (a) This division does not apply to a project that  
4 consists of the alteration of a vacant retail structure that existed  
5 prior to January 1, 2008, is not more than 60,000 square feet in  
6 area, and meets all of the following requirements:

7 (1) The project improves the energy efficiency of the vacant  
8 retail structure by an amount that is at least 25 percent more energy  
9 efficient than the requirements of Part 6 (commencing with Section  
10 100) of Title 24 of the California Code of Regulations for those  
11 structures, as determined by the State Energy Resources  
12 Conservation and Development Commission.

13 (2) The project reduces the water consumption to at least 20  
14 percent below the previous five-year annual average consumption  
15 for similar retail structures, as determined by the local water agency  
16 that has jurisdiction over the water district within which the  
17 structure is located.

18 (3) The project, including any replacement signage, is consistent  
19 with any applicable general plan, specific plan, or local coastal  
20 plan, including any mitigation measures required by the plan or  
21 program, and any applicable zoning ordinance or local ordinance.

22 (b) This section does not apply to a project that increases the  
23 size of the vacant retail structure's footprint, floor plan, or floor  
24 area ratio.

1 (c) This section shall remain in effect only until January 1,  
2 2015, and as of that date is repealed, unless a later enacted statute  
3 that is enacted on or before January 1, 2015, extends or repeals  
4 that date.

5 SEC. 2. Section 21083.9 of the Public Resources Code is  
6 amended to read:

7 21083.9. (a) Notwithstanding Section 21080.4, 21104, or  
8 21153, a lead agency shall call at least one scoping meeting for  
9 either of the following:

10 (1) A proposed project that may affect highways or other  
11 facilities under the jurisdiction of the Department of Transportation  
12 if the meeting is requested by the department. The lead agency  
13 shall call the scoping meeting as soon as possible, but not later  
14 than 30 days after receiving the request from the Department of  
15 Transportation.

16 (2) A project of statewide, regional, or areawide significance.

17 (b) The lead agency shall provide notice of at least one scoping  
18 meeting held pursuant to paragraph (2) of subdivision (a) to all of  
19 the following:

20 (1) A county or city that borders on a county or city within  
21 which the project is located, unless otherwise designated annually  
22 by agreement between the lead agency and the county or city.

23 (2) A responsible agency.

24 (3) A public agency that has jurisdiction by law with respect to  
25 the project.

26 (4) A transportation planning agency or public agency required  
27 to be consulted pursuant to Section 21092.4.

28 (5) An organization or individual ~~who~~ that has filed a written  
29 request for the notice.

30 (6) *An entity not required to receive notice pursuant to*  
31 *paragraphs (1) to (4), inclusive, that has filed a written request*  
32 *for the notice.*

33 (c) For an entity, organization, or individual that is required to  
34 be provided notice of a lead agency public meeting, the requirement  
35 for notice of a scoping meeting pursuant to subdivision (b) may  
36 be met by including the notice of a scoping meeting in the public  
37 meeting notice.

38 (d) A scoping meeting that is held in the city or county within  
39 which the project is located pursuant to the National Environmental  
40 Policy Act (42 U.S.C. Sec. 4321 et seq.) and the regulations

1 adopted pursuant to that act shall be deemed to satisfy the  
2 requirement that a scoping meeting be held for a project subject  
3 to paragraph (2) of subdivision (a) if the lead agency meets the  
4 notice requirements of subdivision (b) or ~~subdivision (c)~~.

5 SEC. 3. No reimbursement is required by this act pursuant to  
6 Section 6 of Article XIII B of the California Constitution because  
7 a local agency or school district has the authority to levy service  
8 charges, fees, or assessments sufficient to pay for the program or  
9 level of service mandated by this act, within the meaning of Section  
10 17556 of the Government Code.